

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRYSTAL BYRD and BRIAN BYRD,  
Individually, and on Behalf of all Similarly  
Situated Persons,

Plaintiffs,

-vs-

AARON'S, INC.; ASPEN WAY  
ENTERPRISES, INC., d/b/a Aaron's Sales  
and Leasing, a franchisee of Aaron's Inc.;  
JOHN DOES (1-100) AARON'S  
FRANCHISEES; and DESIGNERWARE,  
LLC,

Defendants.

Civil No. 1:11-CV-101-SPB

**DEFENDANT ASPEN WAY  
ENTERPRISES, INC.'S MOTION TO  
DISMISS THE AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. 12(b)(2), Defendant Aspen Way Enterprises, Inc. ("Aspen Way"), hereby moves the Court to dismiss it from this case for lack of personal jurisdiction because:

- (1) Aspen Way did not purposely avail itself of Pennsylvania in relation to the Byrds;
- (2) The Byrds' causes of action do not arise out of Aspen Way's extremely limited contacts with Pennsylvania; and
- (3) The exercise of jurisdiction over Aspen Way would offend all notions of "fair play and substantial justice."

This Motion is supported by the Brief filed simultaneously herewith, which is accompanied by three Affidavits. Said Brief and Affidavits are fully incorporated herein.

**DATED** this 18<sup>th</sup> day of August 2011.

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